

103D CONGRESS
1ST SESSION

S. 1589

To amend title 18, United States Code, to prohibit any State motor vehicle department from disclosing certain personal information about a person doing business with such department.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26 (legislative day, OCTOBER 13), 1993

Mrs. BOXER (for herself, Mr. WARNER, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. WOFFORD, Ms. MOSELEY-BRAUN, Mr. METZENBAUM, Mrs. MURRAY, Mr. HARKIN, Ms. MIKULSKI, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend title 18, United States Code, to prohibit any State motor vehicle department from disclosing certain personal information about a person doing business with such department.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Driver’s Privacy Protection Act of 1993”.

1 (b) PURPOSE.—The purpose of this Act is to protect
 2 the personal privacy and safety of licensed drivers consist-
 3 ent with the legitimate needs of business and government.

4 **SEC. 2. AMENDMENT TO TITLE 18, UNITED STATES CODE.**

5 Title 18 of the United States Code is amended by
 6 inserting immediately after chapter 121, the following new
 7 chapter:

8 **“CHAPTER 122—PROHIBITION ON RE-**
 9 **LEASE OF CERTAIN PERSONAL INFOR-**
 10 **MATION**

“Sec. 2720. Prohibition on release of certain personal information.

“Sec. 2721. Unlawful use of personal information.

“Sec. 2722. Definitions.

“Sec. 2723. Penalties.

“Sec. 2724. Effect on State and local laws.

11 **“§ 2720. Prohibition on release of certain personal in-**
 12 **formation**

13 “(a) DISCLOSURE.—It is unlawful for any depart-
 14 ment of motor vehicles of any State or any other person
 15 or organization to disclose or obtain, except as authorized
 16 by this chapter, personal information about any individual
 17 obtained by such department in connection with a motor
 18 vehicle operator’s permit, motor vehicle title, identification
 19 card, or motor vehicle registration issued by the depart-
 20 ment to that individual, unless such individual has author-
 21 ized such disclosure.

22 “(b) EXCEPTIONS.—It is not unlawful to disclose or
 23 obtain personal information, otherwise unlawful under this

1 chapter, for any of the following routine uses if the person
2 receiving such information has certified to the Department
3 that the information will be used only for one of the speci-
4 fied permissible purposes:

5 “(1) For the use of any Federal, State or local
6 court in carrying out its functions.

7 “(2) For the use of any Federal, State or local
8 agency in carrying out its functions, including a law
9 enforcement agency.

10 “(3) For the use in connection with matters of
11 automobile and driver safety, including manufactur-
12 ers of motor vehicles conducting a recall of motor
13 vehicles.

14 “(4) For the use in any civil or criminal pro-
15 ceeding in any Federal, State or local court, if such
16 proceeding involves a motor vehicle.

17 “(5) For use in research activities, if the motor
18 vehicle department determines that such information
19 will not be used to contact the individual and that
20 individual is not identified or associated with the re-
21 quested personal information.

22 “(6) For use in marketing activities if the
23 motor vehicle department—

24 “(A) has provided the individual with re-
25 gard to whom the information is requested with

1 the opportunity, in a clear and conspicuous
2 manner, to prohibit a disclosure of such infor-
3 mation for marketing activities;

4 “(B) has received assurances that the in-
5 formation will be used, rented, or sold solely for
6 a permissible use under this chapter, including
7 marketing activities; and

8 “(C) has received assurances from any per-
9 son purchasing such information from a motor
10 vehicle department for marketing purposes that
11 such person will keep complete records identify-
12 ing any person to whom they sell or rent the in-
13 formation and the permissible purpose for
14 which the purchaser will use the information.

15 “(7) For use by any insurer or insurance sup-
16 port organization, or their employees, agents, and
17 contractors, in connection with claims investigation
18 activities and antifraud activities.

19 “(8) For use by any organization, or its agent,
20 in connection with a business transaction, when the
21 purpose is to verify the accuracy of personal infor-
22 mation submitted to that business or agent by the
23 person to whom such information pertains, or, if the
24 information submitted is not accurate, to obtain cor-
25 rect information for the purpose of pursuing rem-

1 edies against a person who provided false informa-
2 tion or presented a check or similar item that was
3 not honored.

4 “(9)(A) For use by any organization, if such or-
5 ganization has certified that it has obtained a state-
6 ment from the person to whom the information per-
7 tains authorizing the disclosure of such information
8 under this chapter in accordance with an agreement
9 entered into pursuant to subparagraph (B).

10 “(B) Any motor vehicle department of a State
11 is authorized to enter into an agreement with any
12 organization under subparagraph (A) pursuant to
13 which the motor vehicle department may subse-
14 quently release information to that organization on
15 the basis of a certification that the entity has ob-
16 tained or will have obtained consent from the indi-
17 vidual to whom the information pertains to obtain
18 such personal information from the State motor ve-
19 hicle department.

20 **“§ 2721. Unlawful use of personal information**

21 “(a) UNLAWFUL ACTS BY STATE MOTOR VEHICLE
22 DEPARTMENTS, ORGANIZATIONS OR PERSONS.—It is un-
23 lawful for any State motor vehicle department or organiza-
24 tion or person to disclose, sell or otherwise make available,

1 or use personal information about any individual referred
2 to in section 2720 except in accordance with this chapter.

3 “(b) UNLAWFUL ACTS BY PERSONS OR ORGANIZA-
4 TIONS.—It is unlawful for any person or organization—

5 “(1) to make any false representation to obtain
6 personal information from a department of motor
7 vehicles of any State or other person about any indi-
8 vidual referred to in section 2720; or

9 “(2) to use personal information obtained from
10 any department of motor vehicles of any State or
11 other person for any purpose other than as re-
12 quested by that person or organization, or other
13 than the purpose for which such information was
14 disclosed.

15 “(c) EXCEPTION.—The prohibition referred to in
16 subsection (a) of section 2720 and subsections (a) and (b)
17 of this section shall not apply to any person to whom the
18 information pertains.

19 **“§ 2722. Definitions**

20 “As used in this chapter:

21 “(1) The term ‘personal information’ includes
22 an individual’s photograph, driver’s identification
23 number, name, address, telephone number, social se-
24 curity number, and medical and disability informa-
25 tion. Such term does not include information on ve-

1 hicular accidents, driving violations, and driver's
2 status.

3 “(2) The term ‘person’ means any individual.

4 “(3) The term ‘State’ means each of the several
5 States, District of Columbia, Commonwealth of
6 Puerto Rico, Virgin Islands, Guam, American
7 Samoa, and the Commonwealth of the Northern
8 Mariana Islands.

9 “(4) The term ‘organization’ means any person
10 other than an individual, including but not limited
11 to, a corporation, association, institution, a car rent-
12 al agency, employer, and insurers, insurance support
13 organization, and their employees, agents, or
14 contractors.

15 **“§ 2723. Penalties**

16 “(a) WILLFUL VIOLATIONS.—

17 “(1) Any person who willfully violates this
18 chapter shall be fined under this title, or imprisoned
19 for a period not exceeding 12 months, or both.

20 “(2) Any organization who willfully violates this
21 chapter shall be fined under this title.

22 “(b) NONWILLFUL VIOLATIONS.—Any person or or-
23 ganization who violates this chapter, other than a willful
24 violation, shall be subject to a civil penalty in an amount
25 not to exceed \$5,000.

1 “(c) VIOLATIONS BY STATE DEPARTMENT OF
2 MOTOR VEHICLES.—Any State department of motor vehi-
3 cles which willfully violates this chapter shall be subject
4 to a civil penalty in the amount of \$10,000. Each day of
5 continued noncompliance shall constitute a separate viola-
6 tion.

7 **“§ 2724. Effect on State and local laws**

8 “The provisions of this chapter shall supersede only
9 those provisions of law of any State or local government
10 which would require or permit the disclosure or use of per-
11 sonal information which is otherwise prohibited by this
12 chapter.”.

13 SEC. 3. The amendments made by this Act shall take
14 effect upon the expiration of the 270-day period following
15 the date of its enactment.

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